S.B.Cr.Misc. III Bail App. No. 2472/2006
(Smt. Barji Devi Vs. State of Rajasthan)

Date of order : 04/07/2006

HON'BLE MR.H.R.PANWAR, J.

Mr. Sandeep Mehta for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

This is third bail application filed by the petitioner.

Heard learned counsel for the petitioner and the Public Prosecutor for the State.

While rejecting the earlier bail application, it was noticed that the evidence against the petitioner is the statements of Smt. Nirmala, Smt. Sulochna and Smt. Suman under Section 161 Cr.P.C. Out of these witnesses, PW-2 Suman has been examined, however, she did not support the prosecution case and turned hostile. The other two witnesses namely Smt. Nirmala and Smt. Sulochna were present in the Court on 03.6.2006, however, they have been given up by the Additional Public Prosecutor. Thus, these two witnesses are no more witness in the case as they have already been given up by the prosecution.

Looking to the facts and circumstances of the case and keeping in view the fact that material witness has not supported the prosecution case, having considered the oral arguments advanced by the counsel for the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this third bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Smt. Barji Devi W/o Harlal be released on bail in FIR No. 59/2005 P.S. Rajgarh, district Churu, provided she executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for her appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP